

CITY OF ALAMO HEIGHTS
CITY COUNCIL
February 11, 2008

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, February 11, 2008.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro Tempore Bobby Rosenthal
Councilman Stan McCormick
Councilwoman Jill Souter
Councilman Bill Kiel
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman
City Attorney Mike Brennan
Finance Director Cynthia Barr
Public Works Director Shawn Eddy
Interim Fire Chief William Woodward
Police Chief Rick Pruitt
Assistant to the City Manager Marian Ramirez
Community Development Manager Jack Guerra
Human Resources Manager & Deputy City Secretary Judie Surratt

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Mayor Louis Cooper called the meeting to order at 5:37 p.m.

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Mayor Cooper asked for any corrections or changes to the minutes of the January 14, 2008 regular City Council meeting. Council Members Harwell, Kiel and Rosenthal requested some additions to the minutes for clarification purposes. Councilwoman Jill Souter then made a motion to approve the minutes of the January 14, 2008 Council Meeting, as amended. Councilman Stan McCormick seconded the motion. The motion was approved by unanimous vote.

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City Manager's Report

City Manager Rebecca Waldman informed the Council that, after discussions with Police Chief Rick Pruitt, the decision was made to increase security due to the recent tragic occurrence in Kirkwood, Missouri. One measure is the repositioning of the staff table with Chief Pruitt being seated at the front end of the table, and a police officer stationed at entrance of the Council Chambers. Ms. Waldman asked that audience members please assist by following the Rules of Procedure for Council Meetings in order to minimize movement in and distractions. Ms. Waldman emphasized the importance of not approaching the dais but to step up to the podium when asked by the Mayor, and stating their name and address for the record. Ms. Waldman added that staff is also considering additional security measures for all City buildings to better ensure security for everyone.

Ms. Waldman mentioned that Chief Pruitt would present recommendations regarding urban coyote management to the Council at the February 25th Council Meeting.

Ms. Waldman then addressed the recent news coverage regarding changes to the state-wide Texas Municipal Retirement System (TMRS) for city employees. Ms. Waldman reported that TMRS is undergoing changes to ensure that member benefits continue to be soundly funded and to preserve benefit levels for future retirees; to include: a gradual diversification of its investment portfolio, a change in actuarial cost method and amortization period and the adoption of new actuarial assumptions. She went on to say that Finance Director Cynthia Barr had been tracking these changes and her preliminary estimates indicate a projected .25%, or \$10,000, increase in next year's TMRS rate. Ms. Waldman advised Council that the City should have the final rate for 2009 in May and staff would present their findings to the Accountability and Management Team and make recommendations to the full City Council during this summer's budget discussions.

Next, Ms. Waldman reminded the Council that the City's Capital Improvement Program (CIP) included the reconstruction of Castano Avenue between Vanderhoven and N. New Braunfels Avenue. Ms. Waldman stated that a review of the records revealed that this portion of Castano Avenue had already been designed and actually bid by Sunbelt Engineering. Mr. Richard Kelley, Freese and Nichols, Inc., reviewed the plans and recommended that the design be utilized for the CIP and that Sunbelt Engineering be the Engineer of Record. Ms. Waldman went on to say that a meeting has been scheduled with the High School this week and a meeting would also be scheduled with affected property owners. Staff will present the design to the City Council at the February 25th Council Meeting. A more comprehensive update of the CIP is scheduled for March. Ms. Waldman informed Council that if the Castano Avenue has only minor modifications, construction could begin this summer and be mostly completed by the time school starts in the Fall; however, if major modifications are necessary, the project will have to be delayed until at least the summer of 2009. The projected cost is estimated to be within the projected CIP budget.

Ms. Waldman then turned the meeting over to Councilwoman Jill Souter to report on the recent TML Conference she attended.

Councilwoman Souter stated that she had attended the Association of Mayors and City Councils meeting in Irving, Texas and had brought back information for staff and her fellow council members. Ms. Souter spoke about the TMRS changes being a topic of discussion at this seminar and added that she was glad to see that staff was already addressing the issue. Ms. Souter also briefly touched on other topics of importance that were presented in the seminar

Councilwoman Souter having completed her report, Mayor Cooper moved on to the Citizens to be Heard segment of the agenda.

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Citizens To Be Heard Concerning Non-Agenda Items

Mr. Doug Trotman, residing at 223 E. Elmview Place, spoke about there being too much traffic volume on the street and reckless driving, mostly by high school students driving too fast. Mr. Trotman told the Council that the reason for the large traffic volume is that E. Elmview Place is a major route to and from the high school. He explained that there are blind spots at driveways, that motorists drive recklessly and almost every week experiences a near collision. Traffic is so bad that residents no longer walk on their street nor do children play in the front yards because it is too dangerous. Mr. Trotman recommended that the City change the speed limit to 20 mph or construct a concrete barrier at North New Braunfels Avenue and E. Elmview Place to prevent traffic from turning onto E. Elmview Place.

Ms. Margaret Burton, 235 E. Elmview Place, told the Council and audience that when she first moved to the neighborhood, there were no families with young children, mostly elderly residents, but now there are many children living in the area and she has great concern for their safety. She said that the traffic hazards are not limited to school hours; night events at the school also present problems as the street is very dark at night since there are no street lights. Ms. Burton also suggested that a 20 mph speed limit would be helpful, but she added that she would not be opposed to installing speed bumps as well.

Mr. Wayne Kuhn, 270 E. Elmview Place, agreed with Mr. Trotman and Ms. Burton but wanted to see a 20 mph speed limit on all residential streets in Alamo Heights. Mr. Kuhn also wanted to suggest that the Planning and Development staff meet with residents to find a way to possible reroute the traffic altogether.

Other residents who addressed the Council with similar concerns were Mr. Tony Athens, 216 E. Elmview Place; Ms. Brooke Connolly, 217 E. Elmview Place; Mr. John Silver, 265 E. Elmview Place; and Ms. Pam Kuhn, 270 E. Elmview Place.

Mayor Cooper proceeded to Staff Reports.

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Staff Reports

Public Works Director Shawn Eddy introduced Mr. David Givler with Givler Engineering, Inc., and explained that Mr. Givler would be making the presentation to Council on the process and the status of the City's application for a Phase 2 Stormwater Permit.

Mr. Givler presented a summary of the Clean Water Act passed by Congress in 1972 and explained that the State imposed certain requirements on small cities to come into compliance with its regulations. Mr. Givler stated that there are seven minimum measures Texas cities must implement: (1) public education and outreach; (2) public opportunities to participate in the process; (3) detect and eliminate illicit discharge; (4) on-site construction stormwater runoff controls; (5) post-construction stormwater management for development projects; (6) pollution prevention and good housekeeping; and (7) municipal construction activities. Mr. Givler added that he has recommended a process for an implementation program and added that the State has given the City about four and one-half years to implement the seven measures.

Councilwoman Susan Harwell wanted to know if Mr. Givler had a chance to look over the City's ordinances and guidelines; and if so, did the City need to make any changes. In response, Mr. Eddy stated that this project is in the preliminary stages at this point and staff will be looking at the City's building codes in the future. Councilwoman Harwell stated that there is still a lot of concrete dust on the streets and curbs around the high school from the construction, and she is glad to see that the City is going to be looking at this.

Councilman Kiel commented that the City has until 2010 to complete the measures but he assumed that they could be implemented sooner and wanted to know when the City would be looking at doing this. Mr. Eddy stated that staff is developing a plan and that it will be implemented over a period of time.

The Mayor then called on those in attendance who had signed up to speak on this agenda item.

Ms. Pat Evans, 140 Patterson Avenue, asked that since the State has given control of this to cities, who pays for it? Councilwoman Souter responded saying that many times the State mandates projects but does not fund them.

Sara Reveley, 436 Corona Avenue, talked about the trash that has collected along Jones Maltsberger at the Quarry and the creek. She said that she understood that was a shared problem with the City of San Antonio and she wanted to know who was going to take care of it. Mr. Eddy explained that a lot of stormwater comes from upstream and

San Antonio is looking at installing trash traps that can be cleaned out at stormwater inlets. He added that the City will work with San Antonio to try to alleviate this problem.

The Staff Reports having concluded, the Mayor moved on to the Consent Items.

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Consent Items

Mayor Cooper read the captions to Agenda Items Nos. 4, 5 and 6.

4. Request for permission for refund of duplicate or erroneous property tax payments to taxpayers Ingrid Lee, \$2,797.28; and Felicia E. Davenport, \$590.27. Staff recommends approval.
5. Consideration and approval of an ordinance authorizing the City Manager to promulgate and amend the Employee and Purchasing Manuals for the administration of the Government of the City pursuant to the City Charter and State Law. Staff recommends approval.
6. Recommendation to authorize the City Manager to correct and amend the Interlocal Agreement with the City of San Antonio for magistrate and detention services by changing the effective date from March 1, 2008 to February 1, 2008. Staff recommends approval.

Mayor Cooper asked the Council Members if they had any questions or if any discussion was necessary on the Consent Items.

Councilwoman Harwell responded saying that she would like to make a motion to approve Consent Items Nos. 4 and 6 but pull out Item No. 5 for discussion. Councilman Kiel offered a second to her motion and it passed.

Councilwoman Harwell then went on to express her concerns about the Council not having final approval of the City's Employee Manual. Ms. Harwell stated that she felt that there were items in the manual that presented potential liability for the City, that the Ordinance had a lot of blank spaces in it and that she did not feel comfortable with signing off on it.

There was discussion among the Council Members, City Attorney Mike Brenan and Ms. Waldman regarding the approval process for the Employee Manual and a number of suggestions were made as to how to bring this item to a resolution, resulting in a motion by Councilwoman Harwell. Ms. Harwell's motion was to accept the Ordinance authorizing the City Manager to promulgate and amend the Employee and Purchasing Manuals for the administration of the Government of the City pursuant to the City Charter and State Law with the addendum it is done in consultation with the Governance

and Communication Council Committee. Councilman Rosenthal seconded her motion and the vote was unanimous in favor.

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Items for Individual Consideration

7. A Public Hearing to consider Planning and Zoning Case No. 311, a request for a Specific Use Permit, and Architectural Review Board Case No. 296 F for 103-05 Marcia Place, a property zoned Multi Family – D, request submitted by the Archdiocese of San Antonio’s St. Peter Prince of Apostles Church, owners, represented by Jason Winn of Fisher Heck Architects. Staff recommends approval.

Mayor Cooper read the caption to an Ordinance and the caption for Architectural Review Board Case No. 296:

- a. AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE OPERATION OF A NURSERY AND KINDERGARTEN AT 103-105 MARCIA, ZONED MULTI-FAMILY DISTRICT, AS AUTHORIZED IN SECTION 3-87(3) OF THE ZONING CODE.
- b. ARCHITECTURAL REVIEW BOARD CASE NO. 296 F – RECOMMENDATION TO CONVERT TWO SINGLE-FAMILY HOMES INTO A CHILD DEVELOPMENT CENTER

Mr. Jack Guerra, Community Development Manager, provided an overview of the cases. Mr. Guerra presented a PowerPoint presentation outlining the plans and summarized the recommendations made by the Planning and Zoning Commission and Architectural Review Board (ARB).

Mr. Guerra provided staff’s recommendations to approve Planning and Zoning Case 311 a Special Use Permit (SUP) to allow a day nursery or kindergarten school at 103 and 105 Marcia Place on property zoned Multi Family, with a sunset clause; and to approve ARB Case No. 296 with the recommended alternative parking plan.

Council discussion took place regarding the current use and future use of the space occupied by the temporary buildings on the church property; parking and drop-off logistics for the affected students; and the impact of traffic onto residential streets.

Councilman Kiel raised a question of the full scope of St. Peter’s future plans and voiced his concern about possible demolition of the two buildings to build a new larger building for a preschool facility or to requesting re-plating to producing a larger entity and encroachment on the neighborhood. Mr. Guerra stated that staff had included a land use map within the Council package to show the usage of the surrounding adjacent area.

Mr. Thomas Sebastian, 148 Marcia Place, stated that a primary concern is the neighborhood was not invited to any meeting with the church to discuss the plans involving these two houses. Another concern is the extreme traffic on Marcia, especially during the drop-off and pick-up times. He would rather see the church purchase more land and construct a larger facility and have a real plan instead of merely converting the homes to be utilized as classrooms. Also, of concern, was the proposed additional parking where the current temporary building is located on Barilla Place. Mr. Sebastian informed Council that there are many open parking spaces at the Stewart Center across the street and questioned why the Church just does not rent these spaces for their staff.

Mr. Stephen Cross, 136 Barilla Place, stated that he enjoys having the church and school across the street but feels that there is a lot of planning happening at St. Peters that the neighbors are not aware of. He spoke of his concerns about the church's gradual expansion from their original footprint.

Council discussed the importance of a community meeting being held between the church and the neighbors to discuss the plans that St. Peter has for the Marcia Place and Barilla Place properties.

Mayor Cooper suggested that staff assist in coordinating this meeting to help ensure that all the neighbors are contacted. Jack Guerra informed Council that staff has helped facilitate community meetings for other projects and could assist St. Peters.

Councilman Rosenthal made a motion to continue item #7 to the February 25th City Council meeting at 5:30 p.m. The motion was seconded by Councilman Kiel and was passed by consensus vote.

8. Ordinance amending Chapter 4, Animals, providing for a Trap-Neuter-Return Program for feral cats, conditions for free roaming domestic cats, trapping of nuisance animals, and restrictions on feeding/attracting predatory wildlife. Staff recommends approval.

Mayor Cooper read the caption to an Ordinance:

AN ORDINANCE REPEALING THE EXISTING CHAPTER 4,
ANIMALS, AND ADOPTING A NEW CHAPTER 4, ANIMALS.

Chief Pruitt gave a PowerPoint presentation explaining the Trap-Neuter-Return Program for feral cats and the amendments to Chapter 4, Animals.

Council commended Chief Pruitt and City Attorney Mike Brennan on the detail of the amendments to Chapter 4. Councilman McCormick requested that the Architectural Review Board review the signage that will be placed around the City greenbelts concerning the ordinance not to feed the wildlife.

Councilwoman Harwell made a motion to approve the Ordinance repealing the existing Chapter 4 and adopting a new Chapter 4. The motion was seconded by Councilwoman Souter and was passed by consensus vote.

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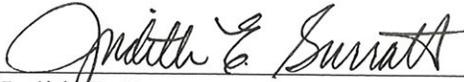
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A motion was made by Councilman McCormick to adjourn the meeting. The motion was seconded by Councilwoman Souter and passed by unanimous vote. Mayor Cooper adjourned the meeting at 8:10 p.m.



Louis Cooper
Mayor



Judith E. Surratt
Deputy City Secretary